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TO:	FAX NUMBER:
Examiner: E. O. Sackey USPTO	(571) 273-8300
FROM:	PHONE NUMBER:
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TOTAL NO. OF PAGES INCLUDING COVER	DATE
5	April 5, 2005

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NOTES/COMMENTS:

PLEASE HAND DELIVER

In re Application of: **Zhaoning Zu et al.**
 For Patent entitled: **"Compounds for the Treatment of Inflammatory Disorders"**
 Group Art Unit: **1626**
 Filed: **11/19/2003**
 Attorney Docket No.: **IN01535KB**
 Serial No.: **10/716,890**

Dear Examiner Sackey:

Transmitted herewith are:

- **Fax Cover Sheet – 1pg.**
- **Response Transmittal – 1pg.**
- **Response – 3pgs.**



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TRANSMITTAL FORM		Application Number	10/716,890
(to be used for all correspondence after initial filing)		Filing Date	11/19/2003
		First Named Inventor	Zhaoning Zhu
		Art Unit	1626
		Examiner Name	E. O. Sackey
Total Number of Pages in This Submission	5	Attorney Docket Number	IN01535KB

ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CID	<input type="checkbox"/> Alter Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet - 1pg.	
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Typed or printed name	Palaiyur S. Kalyanaraman	Date 04/05/2005

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APR 05 2005

PATENT CASE: IN01535KB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Zhaoning Zhu et al : Examiner: E. O. Sackey
Application No.: 10/716,890 : Group Art Unit: 1626
Filed: 11/19/2003 :
For: **Compounds for the Treatment** :
of Inflammatory Disorders :
-----x-----

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF
SPECIES

Sir:

This communication is in response to the Office Action issued on March 10, 2005 in the subject case. This communication is being faxed to the Examiner's attention at 571-273-8300.

Claims 2-57 and 59-72 are pending in the case. The Examiner restricted the claims into three groups:

Group I: Claims 2-57, 59-60 and 66-67 drawn to compounds and compositions;

Group II: Claims 61-65 drawn to methods of treating various diseases employing the compounds of Group I; and

Group III: Claims 68-72 drawn to methods of treating various disease employing compounds now allowed in Patent number 6,838,466.

Applicants are puzzled by the restriction into these three Groups. Applicants believe that all claims form part of one and the same invention. Applicants further believe that when there is a linking claim encompassing the scope of all the processes, uses, composition and compounds, it is inappropriate to restrict the invention into these various inventions. Applicants also believe that due to such commonality, a complete examination of all the claims as filed would not cause undue burden. Applicants further believe that

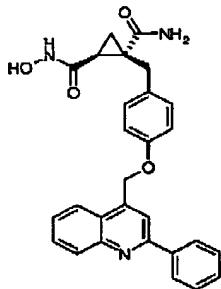
the same art search will most probably apply to the alleged separate inventions, and respectfully submit that the restriction is improper.

Under the statute "two or more independent and distinct inventions.... in one application may.... be restricted to one of the inventions." Inventions are "independent" if "there is no disclosed relationship between two or more subjects disclosed" (MPEP 802.01). The term "distinct" means that "two or more subjects as disclosed are related.... but are capable of separate manufacture, use or sale as claimed, and are patentable over each other" (MPEP 802.01). However, even when patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification
2. Separate status in the art; or
3. Different field of search.

In the present application, Applicant believes that the Examiner has not established a clear reason to establish the existence of any of the above 3 groups. Reconsideration and withdrawal of the restriction requirement are, therefore, respectfully requested.

Furthermore, in order to comply with the Examiner's requirement, Applicant is electing, with traverse, the invention cited as Invention Group No. III by the Examiner for initial examination purposes. Additionally, since the Examiner required election of a species, Applicant provisionally elects, with traverse, the compound of Formula:



(shown as Example KX in Table 1 at page 126 and in claim 57 at page 170 of the specification) for initial examination in this application.

If the Examiner has questions, as well as for any future communications, the Examiner is invited to contact the undersigned.

April 5, 2005
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Respectfully submitted,

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